IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 20TH JULY 2007 / 29TH ASHADHA 1929

Bail Appl..No. 4392 of 2007()

O.R.NO.2/2007 OF EZHATTUMUGHAM FOREST STATION

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: PETITIONER - ACCUSED

VARGHESE @ BABU, S/O.JOSEPH, AGED 52,
KOLLATTUKUDI, MANJAPRA VILLAGE, ALUVA TALUK.

BY ADV. SRI.M.C.JOHN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4392 of 2007

Dated this the 20th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations in a crime, registered under the provisions of the Wild Life Protection Act. Investigation is in progress. He apprehends imminent arrest.

2. What is the crime committed by the petitioner ? According to the petitioner, 22 years ago, a small lizard like animal with injuries all over the body was seen by him. It was washed to the shore of Chalakkudy river. He attended on it, nursed it and groomed it. It has now become a big crocodile weighing about 125 kg. Rearing a crocodile offends the provisions of the Wild Life Act. This is the only offence committed by the petitioner even according to the prosecution. The crocodile has now been taken away from the petitioner also.

3. The learned counsel for the petitioner prays, the learned Public Prosecutor does not fairly oppose the said prayer and I am satisfied in the facts and circumstances of this case that the petitioner can certainly be saved of the undeserved trauma of arrest and incarceration in prison. A more detailed reference to the facts is not necessary.

4. In the result, the Bail Application is, allowed. The following directions are issued under Section 438 Cr.P.C.

i) The petitioner shall appear before the learned Magistrate at 11 a.m on 27.07.2007. He shall be enlarged on regular bail on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so;

iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

iv) If the petitioner were arrested prior to his surrender on 27.07.07 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) without any sureties undertaking to appear before the learned Magistrate on 27.07.07.

Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-